

Remarks

The numbered paragraphs of the office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

Request for Continued Examination

1-2. In paragraphs 1 and 2, the Examiner acknowledged that a request for continued examination and fee have been filed in this case. The Examiner indicated that the finality of the previous Office action has been withdrawn and that the applicant's submission of February 12, 2004 has been entered. The Applicant appreciates the Examiner's entry of the previous submission and believes that no specific response to this paragraph is required.

Double Patenting Rejection

3. In paragraphs 9, the Examiner described the nonstatutory double patenting rejection, indicating that a timely filed terminal disclaimer, which can be signed by a registered patent attorney, may be used to overcome this rejection. The applicant appreciates this information, is availing himself of an enclosed terminal disclaimer and believes that no specific response is required for this paragraph.

4. The Examiner rejected claims 41-104 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over some claims of Thomasson et al." (U.S. Patent No. 6,205,473) in view of Carter et al (U.S. Patent No. 65,987,506 (*sic*)). The

applicant has included with this response a terminal disclaimer with respect to U.S. Patent No. 6,205,473. The applicant believes that the submission of this terminal disclaimer is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

Conclusion

4. The Examiner indicated that a shortened statutory period for response to is this action is set but that extensions of time may be obtained under the provisions of 37 CAR 1.136(A). The applicant is filing with this response a petition for extension of time and fee. This response is being filed within the permitted extension period. The applicant respectfully requests consideration and entry of this response.

5. The Examiner provided information concerning communication on this case. The Applicant appreciates the Examiner's willingness to discuss this case but believes that no specific response to this paragraph is required.

The Applicant has submitted with this response a Terminal Disclaimer to address the Double Patenting Rejection. In view of the foregoing, and in summary, applicant believes that all issues and points of the Examiner's Office Action have been addressed. Applicant believes that the presently presented claims (claims 41-104) are patentable over the prior art.

Reconsideration and allowance of this application is respectfully requested.

App. S/N: 09/815,520
Filing Date: 03/23/2001

AMENDMENT AND RESPONSE
TO NON-FINAL OFFICE ACTION

Examiner Philip B. Tran
Group Art Unit: 2155

Respectfully submitted this 5th day of October, 2004.

A handwritten signature in black ink, appearing to read "Lloyd W. Sadler", written over a horizontal dashed line.

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